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ALEXANDER L. STEVAS,
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No. 82-964

In the
Supreme Court of the United States
October Term, 1982

GEORGE W. DUNNE, et al.,
Petitioners,

vs.

CARL R. HANSEN, et al.,
Respondents.

On Petition For Writ Of Certiorari To The
United States Court Of Appeals
For The Seventh Circuit

BRIEF IN OPPOSITION TO THE PETITION FOR CERTIORARI

James T. Ryan
Timothy R. Conway
Greenberger, Krauss & Jacobs,
Chartered
180 North LaSalle Street
Chicago, Illinois 60601
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Attorneys for Respondents

February 25, 1983

The Scheffer Press, Inc.—(312) 263-6850

QUESTIONS PRESENTED

1. Are there "special and important reasons" for granting certiorari in light of the action taken by the Board of Commissioners of Cook County, Illinois in independently amending, after this Petition was filed, the apportionment ordinance in question to conform with the ruling of the Court of Appeals.

2. Should this Court grant certiorari to determine whether the Court of Appeals and District Court properly applied established law in ruling that a now-amended apportionment ordinance for a two-district county board impermissibly diluted voting rights guaranteed by the Fourteenth Amendment to the United States Constitution.

TABLE OF CONTENTS

	PAGE
QUESTIONS PRESENTED	i
TABLE OF AUTHORITIES	iii
STATEMENT OF THE CASE	1
REASONS FOR DENYING THE PETITION	5
I. Review of the Narrow Question Presented by the Petition Is Unnecessary in Light of the Board's Amended Ordinance	5
II. The District Court and Court of Appeals Properly Applied Established Law in Apportioning the Two-District County Board	6
CONCLUSION	9
APPENDIX:	
A-1. AMENDED APPORTIONMENT ORDINANCE DATED JANUARY 3, 1983	1a
A-2. RESOLUTION DATED JANUARY 3, 1983	3a
A-3. VETO MESSAGE DATED JANUARY 6, 1983 RE AMENDED APPORTIONMENT ORDINANCE	5a
A-4. VETO MESSAGE DATED JANUARY 6, 1983 RE RESOLUTION	8a
A-5. AMENDED APPORTIONMENT ORDINANCE DATED JANUARY 17, 1983	11a
A-6. RESOLUTION DATED JANUARY 17, 1983	13a
A-7. LETTERS DATED JANUARY 24, 1983 and JANUARY 19, 1983	15a

TABLE OF AUTHORITIES

CASES

PAGE

Gaffney v. *Cummings*, 412 U.S. 735 (1973) 7

Reynolds v. *Sims*, 377 U.S. 533 (1964) 7

Rice v. *Sioux City Memorial Park Cemetery*, 349 U.S. 70 (1955) 1, 5

Sutton v. *Dunne*, 365 F. Supp. 483 (N.D. Ill. 1973) 8

Swann v. *Adams*, 385 U.S. 440 (1967) 5

CONSTITUTIONAL PROVISIONS AND STATUTES

Ill. Const. 1970, Transition Schedule, Sec. 5(b) 8

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BRIEF IN OPPOSITION TO THE PETITION FOR CERTIORARI

Petitioner George W. Dunne seeks review of a decision on the narrow question of apportioning a two-district county board to satisfy the requirements of the fourteenth amendment, a question that is of "isolated significance" due to events occurring subsequent to the filing of the Petition. *Rice* v. *Sioux City Memorial Park Cemetery*, 349 U.S. 70, 76 (1955).

STATEMENT OF THE CASE

After the filing of this Petition, the Board of Commissioners of Cook County, Illinois (the "Board") amended its apportionment ordinance in January, 1983 so that it now conforms with the ruling of the Court of Appeals.*

The amended ordinance provides that the Board is to have seventeen Commissioners, ten to be elected by the voters of that part of Cook County located within the City of Chicago (the "city commissioners") and seven to be elected by the voters of that part of Cook County outside the city (the "suburban commissioners"). This is the same 10-7 apportionment ordered by the District Court and upheld by the Court of Appeals.

The amended ordinance was originally enacted on January 3, 1983 and is attached as Appendix A-1. On January 3, 1983, the Board also passed a resolution, attached as Appendix A-2, instructing Richard M. Daley, State's Attorney of Cook County, Illinois, to voluntarily dismiss this Petition on the ground that following the Court of Appeals' affirmance of the District Court, the "continued pursuit of a further appeal of this matter to the United States Supreme Court will cost the County taxpayers thousands of dollars and is not in the best interests of the citizens of the County." (A-2).

The amended ordinance and resolution were passed with fourteen votes in favor and only three negative

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* Paragraph 3 of the District Court's December 23, 1981 order (Pet., A-1, p. 7a), which required the Board to enact an ordinance implementing a 10-7 apportionment, was stayed by the District Court. (Pet., p. 4). The Board's actions in January, 1983 were thus independent of any court order in this case.

votes, one of which was cast by Board President George W. Dunne ("Dunne"). On January 6, 1983, Dunne, as Board President, vetoed the January 3, 1983 ordinance and resolution. Dunne's veto messages are attached as Appendix A-3 and Appendix A-4.

On January 17, 1983, the Board voted to override Dunne's vetoes and to approve the amended apportionment ordinance and resolution as originally passed. Fourteen votes were cast in favor of overriding the vetoes and only two votes were cast in opposition, one of these by Dunne himself.* The amended ordinance and resolution, dated January 17, 1983, are attached as Appendix A-5 and Appendix A-6, respectively.**

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* One city commissioner was absent from the January 17, 1983 meeting.

** It should be noted that a seventeen-commissioner Board was elected on November 2, 1982 pursuant to paragraph 2 of the District Court's December 23, 1981 order. (Pet. A-1, p. 7a). All actions of this Board, including the amended ordinance and resolution, are valid regardless of the outcome of any appeal. Moreover, the size of the Board did not affect the outcome of the vote on the amended ordinance and resolution. Because, at most, only three commissioners opposed the amended ordinance and resolution, the number of commissioners supporting these actions was sufficient to override the vetoes, regardless of whether the Board had fifteen or seventeen commissioners. A four-fifths vote of the Board was needed to override the vetoes. With the fifteen-commissioner Board that existed between November 2, 1981 and December 23, 1981, twelve affirmative votes (after deducting three negative votes) would have been sufficient to override the vetoes. With the seventeen-commissioner Board sitting in January, 1983, fourteen affirmative votes (after deducting the three negative votes) were sufficient to override the vetoes.

Although the amended ordinance and resolution were passed by a coalition of the suburban commissioners and seven of the ten city commissioners purportedly represented by the State's Attorney, the State's Attorney has not voluntarily dismissed the Petition. In a letter dated January 24, 1983, which is attached as Appendix A-7, the State's Attorney indicated that he is pursuing the Petition upon Dunne's authorization because a ruling from this Court would "be beneficial and useful to the parties to [this] litigation." (A-7).

REASONS FOR DENYING THE PETITION

I. REVIEW OF THE NARROW QUESTION PRESENTED BY THE PETITION IS UNNECESSARY IN LIGHT OF THE BOARD'S AMENDED ORDINANCE.

In this Petition, Dunne seeks to reverse the 10-7 apportionment ordered by the courts below. The Board's amended ordinance, however, independently adopts a 10-7 plan and thereby eliminates the practical significance of any ruling from this Court. Even if this Court were to grant the Petition and reverse the Court of Appeals, the amended ordinance would apportion the Board 10-7. Any ruling by this Court would therefore be an abstract discussion of the constitutional standards to be applied to a set of non-existent facts. Not only are such advisory opinions to be avoided, but because apportionment questions must be decided on the facts of the particular case, *Swann* v. *Adams*, 385 U.S. 440, 445 (1967), such a discussion would have no precedential value.

The State's Attorney has nevertheless asserted that the Petition should be pursued, despite the Board resolution requiring a voluntary dismissal, because a ruling from this Court may be "beneficial and useful to the parties to [this] litigation." (A-7). This Court, however, has repeatedly stated that it "does not sit to satisfy a scholarly interest" in constitutional issues, "[n]or does it sit for the benefit of the particular litigants." *Rice* v. *Sioux City Memorial Park Cemetery*, 349 U.S. 70, 74 (1955).

The ruling in *Rice* establishes that under Supreme Court Rule 17, this case is not one appropriate for review upon writ of certiorari. In *Rice,* the Court dismissed, as improvidently granted, a writ of certiorari to review the constitutionality of a state statute that was amended to correct its constitutional defects after suit had been filed. The "corrective legislation" took the case out of that class of "special and important" cases appropriate for this Court's review, as does the Board's amended apportionment ordinance in this case. *Id.* at 73 (citing former Supreme Court Rule 19, now Supreme Court Rule 17).

The Board's amended apportionment ordinance has changed the fact situation underlying this Petition so that this Court in its discretion should deny the Petition.*

II. THE DISTRICT COURT AND COURT OF APPEALS PROPERLY APPLIED ESTABLISHED LAW IN APPORTIONING THE TWO-DISTRICT COUNTY BOARD.

Apart from the effect of the Board's amended ordinance, the narrowness of the question raised in the Petition does not justify a reconsideration of arguments that were properly rejected by the courts below. The District

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* The Petition can be denied without deciding whether the Board's amended ordinance renders moot the precise question raised by the Petition. In the event that this Court concludes that that question is moot, the entire case should not be vacated, but instead should be remanded to permit further proceedings pursuant to paragraph 6 of the District Court's order, under which the District Court expressly retained jurisdiction "until such time as the Census Bureau Undercount Adjustment figures are available." (Pet., A-1, p. 8a).

Court and Court of Appeals correctly applied this Court's precedents, developed in the context of multiple district apportionment plans, to the peculiar circumstances of the two-district Board.

As the Court of Appeals noted, this Court has consistently "declined to prescribe 'any precise constitutional tests' for reviewing courts to use in determining whether a particular apportionment plan passes constitutional muster." (Pet., A-2, p. 12a, citing *Reynolds* v. *Sims*, 377 U.S. 533, 578 (1964)). Both the District Court and the Court of Appeals recognized that because the Board is elected from two districts whose boundaries are fixed, the "'vast, intractable'" problems involved in evaluating state-wide multiple district plans were not factors to consider. (Pet., A-1, p. 4a, citing *Gaffney* v. *Cummings*, 412 U.S. 735, 750 (1973); Pet., A-2, p. 13a). The evaluation of the Board's apportionment did not involve redrawing district lines "to try almost countless possible variations. . . ." (Pet., A-1, p. 4a). The courts below were therefore correct in finding a *prima facie* equal protection violation in the context of this two-district county board.*

The Petition, however, asserts that the numerical deviations in multiple district cases should be woodenly applied in this case to find only a *de minimis* deviation. This approach is contrary to the principle that apportionment questions depend "on the particular circumstances of the case." *Reynolds* v. *Sims*, 377 U.S. 533, 578 (1964). Further, the purported need to insulate legislatures from

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* The precise number of legislative bodies in the United States that have two districts is not known, but the absence of reported cases on the apportionment of such bodies indicates that the number is small.

judicial review if deviations are *de minimis* does not apply to this case, in light of the Board's own actions in adopting an apportionment plan that conforms with the ruling below and in passing a resolution that approves the decisions of the District Court and Court of Appeals.

In taking these actions, the Board also acknowledged the correctness of the ruling below that there were no valid justifications for the 9-6 apportionment created by the Board in November, 1981. Whatever significance can be attached to the historical precedent of a fifteen-member board, a precedent broken in 1973 to remedy the fourteenth amendment violation found in *Sutton* v. *Dunne,* 365 F. Supp. 483 (N.D. Ill. 1973), the Board's amended ordinance is an explicit recognition that a 10-7 apportionment is now "necessary to comply with re-apportionment requirements." Ill. Const. 1970, Transition Schedule Sec. 5(b).

The other justification offered for the 9-6 apportionment, the cost of additional commissioners, is as noted by the courts below, unpersuasive in light of the Board's budget of almost one billion dollars and especially unpersuasive now that the Board has expressed its willingness to pay for a seventeen-commissioner board and its unwillingness to incur the expense of prosecuting this Petition. (Pet., A-1, p. 5a; Pet., A-2, p. 14a).

CONCLUSION

The Board's enactment of an amended apportionment ordinance conforming with the ruling of the Court of Appeals has made unnecessary this Court's review of the question raised in the Petition. Further, the rulings below on the narrow question of apportioning a two-district county board are entirely consistent with this Court's decisions and are acknowledged to be correct by the Board itself. For the reasons stated, the Petition should be denied.

Respectfully submitted,

JAMES T. RYAN
TIMOTHY R. CONWAY
GREENBERGER, KRAUSS & JACOBS,
CHARTERED
180 North LaSalle Street
Chicago, Illinois 60601
(312) 346-1300
Attorneys for Respondents

February 25, 1983,

APPENDIX A-1

ORDINANCE

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE ELECTION OF COUNTY COMMISSIONERS IN COOK COUNTY AND TO FIX THEIR TERM OF OFFICE

Be it enacted by the People of the County of Cook, represented in the Cook County Board:

An Ordinance in Relation to the Election of County Commissioners in Cook County and to Fix Their Term of Office, approved on October 15, 1973, as amended November 2, 1981, is hereby amended as follows:

SECTION 1. ELECTION — TENURE

On the first Tuesday after the first Monday of November, 1982, or such other day as provided by law as General Election Day in the year 1982 and every four years thereafter, there shall be elected by the legal voters of Cook County, *seventeen* County Commissioners who shall hold their respective offices from the first Monday in December following their election, for a term of four years and until their respective successors are elected and qualified. *Ten* Commissioners shall be elected from the City of Chicago by the legal voters of that city and *seven* Commissioners shall be elected from that part of Cook County outside the City of Chicago by the legal voters of that part of Cook County.

SECTION 2. EFFECTIVE DATE

This amendment shall take effect and be in force upon passage.

January 3, 1983

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, STANLEY T. KUSPER, JR County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that the attached is a true and exact copy of an Ordinance approved by the Board of Commissioners of Cook County at their meeting of Monday, January 3, 1983 by the following roll call vote: Ayes: Bowen, Carey Chesrow, Hansen, Hernandez, McDonald, O'Brien, Quinn, Ropa, Siebel, Tuchow, Tyrrell, Vaughan, Woods — 14, Nays: Bieszczat, Stroger, Dunne — 3 Absent: — 0.
all of which appears from the records and files of my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this Fifteenth day of February A.D. 1983

/s/ Stanley T. Kusper, Jr.
County Clerk

(Seal)

APPENDIX A-2

RESOLUTION

WHEREAS, on November 2, 1982, seventeen members of the County Board were elected — ten by the voters of the City of Chicago and seven by the voters from outside the City of Chicago — pursuant to the 10-7 reapportionment of seats mandated by the United States District Court for the Northern District of Illinois, Eastern Division, in the case of George W. Dunne, et. al. vs. Carl R. Hansen, et al.; and

WHEREAS, in its order of December 23, 1982, the District Court stated that the "9-6 formula . . . . is the least representative of three possible apportionments, while the 10-7 formula is the most representative," and the 10-7 decision was upheld by the United States Court of Appeals for the Seventh Circuit; and

WHEREAS, the State's Attorney filed in the United States Supreme Court a petition for certiorari; and

WHEREAS, the County's continued pursuit of a further appeal of this matter to the United States Supreme Court will cost the County taxpayers thousands of dollars and is not in the best interests of the citizens of the County;

NOW THEREFORE BE IT RESOLVED that the Board hereby directs the State's Attorney to voluntarily dismiss the petition for certiorari filed in the United States Supreme Court in the case of George W. Dunne, et. al. vs. Carl R. Hansen, et. al.

January 3, 1983

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, STANLEY T. KUSPER, JR County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that the attached is a true and exact copy of a Resolution Approved by the Board of Commissioners of Cook County at their meeting of Monday, January 3, 1983 by the following roll call vote: Ayes: Bowen, Carey, Chesrow, Hansen, Hernandez, McDonald, O'Brien, Quinn, Ropa, Siebel, Tuchow, Tyrrell, Vaughan, Woods — 14, Nays: Bieszczat, Stroger, Dunne — 3 Absent: — 0.
all of which appears from the records and files of my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this Fifteenth day of February A.D. 1983

/s/ Stanley T. Kusper, Jr.
County Clerk

(Seal)

APPENDIX A-3

(Letterhead of)

OFFICE OF THE PRESIDENT
BOARD OF COMMISSIONERS
OF COOK COUNTY, ILLINOIS
CHICAGO
60602

George W. Dunne
President

January 6, 1983

To the Honorable, the Members of the
Board of Commissioners of Cook County

Ladies and Gentlemen:

Pursuant to the power vested in me by the Illinois Revised Statutes, Chapter 34, Section 908, I hereby veto the actions of the Board of Commissioners of Cook County reflected in the attached Ordinance of January 3, 1983, pertaining to the number of Commissioners that is to compose the Cook County Board. I have vetoed this Ordinance in toto for the following reasons:

Article XIV Section 5(b) of the Constitution of the State of Illinois provides that the members of the County Board shall be fifteen. It does not set the number fifteen as a minimum, but mandates it as the number of Commissioners that is to compose the County Board. The only requirement is that the composition of the Board comply with the apportionment requirements between Chicago and the area outside of Chicago. The only reason given in the Constitution for an increase in the number of Commissioners is in order to comply with the apportionment requirement. It is my contention that the nine to six ratio between Chicago and those areas outside Chicago adequately complies with the apportion-

ment requirement. Furthermore, an increase in the membership from fifteen to another arbitrary number, even if it keeps the constitutional required ratio, will cause unnecessary expenses of the taxpayers dollars since each Commissioner costs about one hundred thousand dollars a year. To allow the increase to seventeen Commissioners will cost the taxpayers approximately two hundred thousand dollars a year. Therefore, since an increase in the number of Commissioners is unnecessary and detrimental to the citizens of Cook County, I am compelled to veto this Ordinance.

Respectfully submitted,

/s/ George W. Dunne
George W. Dunne
President

GWD:b

ORDINANCE

(Filed JAN 6 83)

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE ELECTION OF COUNTY COMMISSIONERS IN COOK COUNTY AND TO FIX THEIR TERM OF OFFICE

Be it enacted by the People of the County of Cook, represented in the Cook County Board:

An Ordinance in Relation to the Election of County Commissioners in Cook County and to Fix Their Term of Office, approved on October 15, 1973, as amended November 2, 1981, is hereby amended as follows:

SECTION 1. ELECTION — TENURE

On the first Tuesday after the first Monday of November, 1982, or such other day as provided by law as General Election Day in the year 1982 and every four years thereafter, there shall be elected by the legal voters of Cook County, *seventeen* County Commissioners who shall hold their respective offices from the first Monday in December following their election, for a term of four years and until their respective successors are elected and qualified. *Ten* Commissioners shall be elected from the City of Chicago by the legal voters of that city and *seven* Commissioners shall be elected from that part of Cook County outside the City of Chicago by the legal voters of that part of Cook County.

SECTION 2. EFFECTIVE DATE

This amendment shall take effect and be in force upon passage.

January 3, 1983

APPENDIX A-4

(Letterhead of)

OFFICE OF THE PRESIDENT
BOARD OF COMMISSIONERS
OF COOK COUNTY, ILLINOIS
CHICAGO
60602

George W. Dunne
President

January 6, 1983

To the Honorable, the Members of the
Board of Commissioners of Cook County

Ladies and Gentlemen:

Pursuant to the powers vested in me by Chapter 34, Section 908 of the Illinois Revised Statutes, I hereby veto the Resolution passed by the Cook County Board of Commissioners on January 6, 1983, pertaining to the dismissal of the petition for certiorari filed in the United States Supreme Court in the case of *George W. Dunne, et al* v. *Carl R. Hansen, et al.*, for the following reason:

At the time the case came before the Court, I, along with other members of the Cook County Board, wanted to keep status quo, and keep the membership at fifteen rather than increase it by two members for two reasons. The changes were unnecessary and costly. Unnecessary because the nine to six ratio between the Chicago area Commissioners and those outside of Chicago was adequately apportioned and complied with the constitutional mandate. Costly because any increase would cost the taxpayers of Cook County approximately one hundred thousand dollars per Commissioner.

To dismiss the petition for certiorari at this point, when we have already spent time and money defending the action, and there is a reasonable chance of a ruling by the Court in favor of a fifteen member Board, thus saving the taxpayers of the County two hundred thousand dollars a year, in the years to come, would be detrimental to the citizens of Cook County. Therefore, I am compelled, to veto this Resolution.

Respectfully submitted,

/s/ George W. Dunne
George W. Dunne
President

GWD:b

RESOLUTION

(Received JAN 6 83)

WHEREAS, on November 2, 1982, seventeen members of the County Board were elected — ten by the voters of the City of Chicago and seven by the voters from outside the City of Chicago — pursuant to the 10-7 reapportionment of seats mandated by the United States District Court for the Northern District of Illinois, Eastern Division, in the case of George W. Dunne, et. al. vs. Carl R. Hansen, et. al.; and

WHEREAS, in its order of December 23, 1982, the District Court stated that the "9-6 formula . . . . is the least representative of three possible apportionments, while the 10-7 formula is the most representative," and the 10-7 decision was upheld by the United States Court of Appeals for the Seventh Circuit; and

WHEREAS, the State's Attorney filed in the United States Supreme Court a petition for certiorari; and

WHEREAS, the County's continued pursuit of a further appeal of this matter to the United States Supreme Court will cost the County taxpayers thousands of dollars and is not in the best interests of the citizens of the County;

NOW THEREFORE BE IT RESOLVED that the Board hereby directs the State's Attorney to voluntarily dismiss the petition for certiorari filed in the United States Supreme Court in the case of George W. Dunne, et al. vs. Carl R. Hansen, et al.

January 3, 1983

APPENDIX A-5

AN ORDINANCE AMENDING AN ORDINANCE IN RELATION TO THE ELECTION OF COUNTY COMMISSIONERS IN COOK COUNTY AND TO FIX THEIR TERM OF OFFICE

Be it enacted by the People of the County of Cook, represented in the Cook County Board:

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SECTION 1. ELECTION — TENURE

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SECTION 2. EFFECTIVE DATE

This amendment shall take effect and be in force upon passage.

January 17, 1983

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, STANLEY T. KUSPER, JR County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that the attached is a true and exact copy of an Ordinance Approved and Adopted by the Board of Commissioners of Cook County at their meeting of Monday, January 17, 1983 by the following roll call vote: Ayes: Bowen, Carey, Chesrow, Hansen, Hernandez, McDonald, O'Brien, Quinn, Ropa, Siebel, Tuchow, Tyrrell Vaughan, Woods — 14, Nays: Stroger, Dunne — 2 Absent: Bieszczat —1. all of which appears from the records and files of my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this Fifteenth day of February A.D. 1983

/s/ Stanley T. Kusper, Jr.
County Clerk

(Seal)

APPENDIX A-6

RESOLUTION

WHEREAS, on November 2, 1982, seventeen members of the County Board were elected — ten by the voters of the City of Chicago and seven by the voters from outside the City of Chicago — pursuant to the 10-7 reapportionment of seats mandated by the United States District Court for the Northern District of Illinois, Eastern Division, in the case of George W. Dunne, et al. vs. Carl R. Hansen, et. al.; and

WHEREAS, in its order of December 23, 1982, the District Court stated that the "9-6 formula . . . is the least representative of three possible apportionments, while the 10-7 formula is the most reprecentative," and the 10-7 decision was upheld by the United States Court of Appeals for the Seventh Circuit; and

WHEREAS, the State's Attorney filed in the United States Supreme Court a petition for certiorari; and

WHEREAS, the County's continued pursuit of a further appeal of this matter to the United States Supreme Court will cost the County taxpayers thousands of dollars and is not in the best interests of the citizens of the County;

NOW THEREFORE BE IT RESOLVED that the Board hereby directs the State's Attorney to voluntarily dismiss the petition for certiorari filed in the United States Supreme Court in the case of George W. Dunne, et. al. vs. Carl R. Hansen, et. al.

January 17, 1983

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, STANLEY T. KUSPER, JR County Clerk of Cook County, in the State aforesaid and keeper of the records and files of said Cook County, do hereby certify that the attached is a true and exact copy of a Resolution Approved and Adopted by the Board of Commissioners of Cook County at their meeting of Monday, January 17, 1983 by the following roll call vote: Ayes: Bowen, Carey, Chesrow, Hansen, Hernandez, McDonald, O'Brien, Quinn, Ropa, Siebel, Tuchow, Tyrrell, Vaughan, Woods — 14, Nays: Stroger, Dunne — 2 Absent Bieszczat — 1. all of which appears from the records and files of my office.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of said County at my office in the City of Chicago in said County, this Fifteenth day of February A.D. 1983

/s/ Stanley T. Kusper, Jr.
County Clerk

(Seal)

APPENDIX A-7

OFFICE OF THE STATE'S ATTORNEY
Cook County, Illinois

January 24, 1983

James T. Ryan, Esquire
Greenberger, Krauss & Jacobs
180 North LaSalle St.
Chicago, Illinois 60601

Re: *Dunne* v. *Hansen* -
Supreme Court No. 82-964

Dear Mr. Ryan:

I have your letter of January 19, 1983 wherein you request this office to indicate what steps it intends to take to voluntarily dismiss the above-referenced petition for writ of certiorari. This is to inform you that this office has been advised by the petitioner, President George W. Dunne, to pursue the petition for writ of certiorari because of the important questions which are raised therein.

This office takes the position that the matters presented in the petition for writ of certiorari are not moot and that a determination of them in the Supreme Court would be beneficial and useful to the parties to the above-referenced litigation.

You, of course, may make whatever motions you deem appropriate with regard to the issue of mootness.

Very truly yours,

RICHARD M. DALEY
State's Attorney of Cook County

By: /s/ Richard A. Devine
Richard A. Devine
First Assistant State's Attorney
443-5449

RAD:jk

Law Offices

GREENBERGER, KRAUSS & JACOBS
180 North LaSalle Street
Chicago, Illinois 60601

January 19, 1983
Ms. Iris E. Sholder
Assistant States Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602

Re: Hansen v. Dunne
82-964

Dear Ms. Sholder:

Enclosed please find a copy of the Resolution which was passed by the County Board on January 17, 1983. As you know, the original ordinance was passed by the Board on January 3, 1983 and subsequently vetoed by George Dunne and re-passed over the veto on January 17, 1983 in the form attached. Will you kindly and immediately advise as to what steps you intend to take to voluntarily dismiss the Petition for a Writ of Certiorari. I call your attention to the fact that this action must be initiated well prior to February 7, 1983 which is the extended date upon which my response to the Petition is due.

I would very much appreciate some word from you as to what you intend to do no later than Tuesday, January 25, 1983.

Very truly yours,

James T. Ryan

JTR:cc
Enclosure
cc: Mr. Carl Hansen